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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,721	07/03/2003	Arben Kryeziu	1780.003US1	4980
21186 7590 09/12/2007 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER SHIFERAW, ELENI A	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/613,721

Applicant(s)

KRYEZIU, ARBEN

Examiner

Eleni A. Shiferaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/21/2007 has been entered.

***Response to Amendment and Arguments***

2. Applicant's amendments and arguments with respect to all amended independent claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-5 and 8-20 are rejected under 35 U.S.C. 102(a) as being anticipated by McGarrah et al. US Pub. 20030026424 A1.

As per claim 1, McGarrah et al. method to authenticate a media stream recipient (0050-0055), comprising:

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automatically receiving an authentication request from a media player when a recipient attempts to use the media player to play a media stream (0050-0051 and 0054), the media stream includes the media player and media content (0032-0033) and the media content is in a format known only to the media player (0054, 0047, 0051 and 0009 lines 11-13) and is not accessible to the recipient until the media player determines that the recipient is authenticated for access and the media player generates authentication information on behalf of the recipient and supplies that authentication information with the authentication request (0053-0054; *STB requiring key from central billing system for user request*); and wherein the media player is self-loading and self-extracting from the streamed media stream within a computing environment of the recipient (0051; *user device STB displaying content stored with in STB based on authentication result upon user request*), and self-loads and executes when the recipient attempts to use the media player to play the media content (0051-0055);

verifying that the recipient is authorized to play the media content of the media stream (0051) in response to the media player supplied and generated authentication information (0053); and

sending an authentication token to the media player over a network connection, when if the recipient is authorized (0053), and wherein the media player automatically plays the media content stream once the authentication token is received by the media player, and wherein the authentication token serves as an electronic acknowledgement that it is okay to play the media content (0051).

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8. A media stream structure stored/embodied on a computer readable

medium, comprising:

media player logic (0046-0048);

media content (0046, 0032-0033, and 0051; *DTV signal/movie...*); and

media recipient authentication logic included within the media player logic (0051);

wherein when the media stream data structure is streamed to a computing device (0051), the media player logic is self-loading and self-installing on the computing device when a recipient associated with the computing device attempts to play the media content (0051-0055), and media player logic executes the media recipient authentication logic before playing the media content by generating authentication information on behalf of the recipient, and wherein the media recipient authentication logic sends an authentication request having the authentication information to an authentication service over a network along with the identity of a the recipient of the media content, and wherein the media player logic automatically plays the media content when the authentication request is successful (0051-0054), and wherein the media content is in a format known only to the media player logic (0054, 0047, and 0051) and the media player logic only plays the media content when the recipient is successfully authenticated by the authentication service in response to the media player logic generated and supplied authentication information (0051-0054).

15. A media content authentication system, comprising:

a distribution service for distributing media streams via streaming to recipients (fig. 1),

wherein each media stream includes media content (0046, 0032-0033, and 0051) and a self-

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installing, self-loading, and self-executing media player, the media content is in a format known only to the media player and the media player self-installs, self-loads, and self-executes when the recipients attempt to play the media content (0051; *user device STB displaying content stored with in STB based on authentication result upon user request*); and

an authentication service that subsequently communicates with each media player over a network in order to authenticate access to the recipients that attempts to play the media content (fig. 1 and 0054), and wherein each media player initiates the communication with the authentication service when it self-executes in an environment of a recipient to which it relates and each media player generates and supplies authentication information with the communication to the authentication service, the authentication information for a particular recipient to which a particular media player relates, and when authentication is successful each media player automatically plays media content included in the media stream (0051-0054).

As to claim 2, McGarrah et al. discloses the method wherein the sending further comprises automatically

installing the authentication token as a licensing key on a computing device of the recipient, wherein the licensing key can include licensing limitations (0053, 0055, and 0068).

As to claim 3, McGarrah et al. discloses the method wherein in automatically receiving, the recipient

initially obtains the media player and media stream from a second recipient (0048 and 0050).

As to claim 4, McGarrah et al. discloses the method wherein in verifying, the recipient is verified by externally contacting a licensing service with at least one of an identity of the recipient and an identification of the media stream (0033-0034, 0067-0068).

As to claim 5, McGarrah et al. discloses the method wherein in sending, the authentication token includes limitations that instruct the media player to self destruct the media stream upon the occurrence of an event or pre-defined time (0053-0055).

As to claim 9, McGarrah et al. discloses the media stream data structure wherein the media recipient authentication logic also sends an identification of the media content to the authentication service (0051).

As to claim 10, McGarrah et al. discloses the media stream data structure further comprising an authentication token, which is added to the media stream data structure if the identity of the recipient is authorized to play the media content on the computing device by the authentication service (0051-0055).

As to claim 11, McGarrah et al. discloses the media stream data structure wherein the

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authentication token is stored external to the media stream data structure and is identified within the media stream data structure as a pointer reference (0053-0054).

As to claim 12, McGarrah et al. discloses the media stream data structure wherein the media recipient authentication logic also sends at least one of settings associated with a computing environment of the computing device and an Internet Protocol (IP) address associated with the computing device to the authentication service (0050054).

As to claim 13, McGarrah et al. discloses the media stream data structure wherein the authentication service authenticates the identity of the recipient by interfacing with one or more external licensing services (0051, and 0068).

As to claim 14, McGarrah et al. discloses the media stream data structure wherein the media player automatically plays the media content if a valid authentication token is received from the authentication service (0051 and 0054).

As to claim 16, McGarrah et al. discloses the media content authentication system wherein each media player that self-installs contacts the authentication service immediately after it initially installs on a recipient's computing device (0051-0054).

As to claim 17, McGarrah et al. discloses the media content authentication system wherein



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each media player receives an authentication token from the authentication service, if a corresponding recipient is authorized to play the media content (0051-0054).

As to claim 18, McGarrah et al. discloses the media content authentication system wherein the authentication service uses a licensing service to authorize a number of the recipients for access to the media content (0033-0034, 0067-0068).

As to claim 19, McGarrah et al. discloses the media content authentication system wherein the authentication service receives information from each of the media players that is used to authenticate each of the recipients, and the information includes at least one of settings of a computing environment that is executing the media player, an identity of the recipient, and an identification of the media content (0051-0054).

As to claim 20, McGarrah et al. discloses the media content authentication system wherein the authentication service returns authentication tokens to each of the media players that have authorized recipients and the authentication tokens are at least one of a digital certificates, digital signatures, encrypted data, and hidden data (abstract; *encrypted...*).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim s 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarrahan et al. US Pub. 20030026424 A1. in view of Yamasaki et al. US PUB. 2002/0161997 A1.

As to claim 6, McGarrahan et al. fails to disclose the method wherein in sending, the authentication token includes limitation that instruct the media player to prevent the recipient from re-streaming the media stream to a downstream recipient. However, preventing authorized user receiver tamper resistant device from transmitting content/content key to other unauthorized person is disclosed by Yamasaki et al. par. 0055 and fig. 3. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yamasaki et al. within the system of McGarrahan et al. because they are analogous in content protection. One would have been motivated to do so because it would protect content from inappropriate use.

As to claim 7, Yamasaki et al. further discloses the method wherein in sending, the authentication token is at least one of a digital certificate and a digital signature (0015, 0042-0043, 0046 and 0048-0051). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to use one of certificate/signature because it was very well known at the time of the invention to verify authorized content user in a system of content protection.

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*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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9/10/07

September 8, 2007